IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4278 of 2005

Between:

B.N.Lakshminarayanaiah, S/o B.L.Narappa,
r/o Thirumanasalai, Chennai T.N.

..... PETITIONER

AND

1 The Regional Transport Officer, Nellore, Nellore District.
2 The Deputy Transport Commissioner and Secretary,
R.T.A.Nellore, Nellore District.
3 The Assistant Motor Vehicles Inspector, Flying Squad,
Nellore, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus directing the respondents herein to release the vehicle LMV/Omni Bus bearing registration No.TN-20-C-7894 (Mfd. by Bajaj Tempo Ltd.) along with records viz., R.C. D.L., I.C., Tax Token etc., without insisting the payment of part fee, immediately to the petitioner, by declaring the seizure of the same by the 3rd respondent vide vehicle Check Report No.2773674 dt.30-12-2003, as illegal and arbitrary and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Counsel for the Petitioner: SMT.M.VINOBHA DEVI

Counsel for the Respondents: GP FOR TRANSPORT

The Court, at the stage of admission, made the following :

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4278 of 2005

ORDER:

The petitioner has filed this writ petition seeking a direction to the respondents to release his Vehicle LMV/Omni Bus bearing Regn.No.TN-20-C-7894 without insisting for payment of part fee, immediately to the petitioner by declaring the seizure of the same by the 3rd respondent vide Vehicle Check Report No.2773647, dated 30-12-2003 as illegal and arbitrary.

2. The vehicle in question belonging to the son of the petitioner was seized on 30-12-2003 by the 3rd respondent on the ground of certain irregularities alleged to have been committed, which are mentioned in the vehicle check report No.2773647.

3. Having regard to the facts and circumstances of the case, without going into the merits of the case, I consider it appropriate to dispose of the writ petition with a direction.

4. Therefore, the 2nd respondent-Deputy Transport Commissioner is directed to release the vehicle for interim custody of the petitioner subject to the following conditions:

1. That the petitioner shall not transfer the vehicle to any other person without the permission of the 2nd respondent.

2. That the petitioner shall not change the engine or any part of the vehicle.

3. That the petitioner shall produce the vehicle as and when required by the authorities concerned.

4. That the petitioner shall participate in the enquiry that is going to be conducted by the 2nd respondent after receipt of show cause notice

by filing his explanation.

5. That the tax, if any, may be adjusted out of the amount deposited by the petitioner as on today.

The 2nd respondent may take further steps for recovery of the tax from the petitioner.

5. Accordingly, the writ petition is disposed of in terms of the above directions. There shall be no order as to costs.

March 3, 2005

Note:

Issue C.C. by 07-03-2005.

B/o.

Kvr

To

1 The Regional Transport Officer, Nellore, Nellore District.
2 The Deputy Transport Commissioner and Secretary,
R.T.A.Nellore, Nellore District.
3 The Assistant Motor Vehicles Inspector, Flying Squad,
Nellore, Nellore District.

4 Two C.Cs to the GP for Transport, AP High Court Buildings,

High Court of AP, Hyderabad (O.U.T.)

5 Two C.D.Copies.